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**FEB 06 2006**

**OFFICE OF PETITIONS**

In re Re-Issue Application of  
Nally, et al.  
Application No. 09/374,041  
Filed: 13 August, 1999  
Attorney Docket No.: 81001\_REX  
U.S. Patent No. 5,598,525

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: DECISION ON PETITION  
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In re Re-Examination Application of  
Nally, et al.  
Application No. 90/005,471  
Filed: 13 August, 1999  
Attorney Docket No.: 81001\_REX  
U.S. Patent No. 5,598,525

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This is a decision on the petition filed on 17 October, 2005, under 37 C.F.R. §1.183, to waive provisions of 37 C.F.R. §1.125(d) and §1.173(a)(1).

For the reasons set forth below, the petition under 37 C.F.R. §1.183 to waive provisions of 37 C.F.R. §1.125(d) and §1.173(a)(1) is **GRANTED**.

### BACKGROUND

The record reflects that:

- in the instant merged applications, one a reissue, the other a reexamination, the Examiner has requested (31 August, 2001) that a clean copy of the specification, which incorporated the Certificate of Correction changes;
- however, the regulations at 37 C.F.R. §1.125(d) bar entry of the substitute specification filed on 17 September 2001 (see: Office action of 11 August, 2005);
- therefore, the Petitioner seeks waiver under 37 C.F.R. §1.183 to waive provisions of 37 C.F.R. §1.125(d) and §1.173(a)(1).

### CONCLUSION

Petitioner's request for waiver under 37 C.F.R. §1.183 of the provisions of 37 C.F.R. §1.125(d) and §1.173(a)(1) hereby is **granted**.

This file is released to Technology Center 2600 for further processing in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.  
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Office of Petitions